

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED, ADJUDGED AND DECREED** that the Plaintiff's Motion is GRANTED and Defendant's Motion is DENIED. The decision below is REVERSED, with benefits awarded to Plaintiff as of October 30, 2005.(BOYLE, J)

**This Judgment Filed and Entered on August 21, 2007, and Copies To:**

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/s/Dennis Iavarone  
Clerk of Court